

ORIGINAL

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reimbursement. Accordingly, Nextel's consistent characterization of such costs as "newly raised" etc., which might suggest that a revision of the amount was a surprise, is simply inaccurate.

Boston further disagrees with Nextel's assertion that the issues might be enlarged to include the issue of legal expenses. The instant matter arises from specific procedures created by the Commission that include a prior review of all issues in dispute via negotiation, mediation and Bureau review, prior to treatment before an Administrative Law Judge. None of the foregoing steps has occurred. Thus, the issue is not ripe for review at this time. In fact, all issues ripe for review have been resolved between the parties and Boston is confident that the parties will be able to negotiate in good faith to resolve this final issue. In any event, Boston does not waive its due process rights created by the Commission, including mediation and review by the Bureau.


Nextel's assertion that further mediation might delay resolution<sup>1</sup> is contrary to the Commission's finding in its rebanding Orders that repeatedly state the Commission's belief that mediation will expedite the pace of negotiations. Since Boston is still awaiting an explanation for Nextel's objection to the legal fees requested, it is apparent that Nextel is choosing litigation over mediation, a choice not offered or encouraged by the Commission.

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<sup>1</sup> Nextel Motion at 4.

For the foregoing reasons, Boston sees no value in the requested conference and respectfully requests that the presiding officer direct Nextel down the path of immediate negotiation to resolve this final issue, rather than the delay and expense inherent in continuing litigation.

Respectfully submitted,  
CITY OF BOSTON

By   
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CERTIFICATE OF SERVICE

I., Ann Hamilton Jones, hereby certify that on this 26<sup>th</sup> day of October, 2007, a copy of the foregoing Comments and Opposition to Motion To Enlarge Issues was sent to the following persons by first class, postage prepaid, U.S. Mail:

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and by facsimile to

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